

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): GLUKHOVSKY, Arkady et al. Examiner: UNASSIGNED

Serial No.: 10/705,982 Group Art Unit: 3739

Filed: November 13, 2003

Title: SYSTEM AND METHOD FOR CONTROLLING IN VIVO CAMERA CAPTURE AND DISPLAY RATE

**PETITION TO MAKE SPECIAL
UNDER 37 C.F.R. 1.102 AND MPEP 708.02(VIII)**

MS Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This petition to make special is being submitted under 37 C.F.R. 1.102 and MPEP 708.02 (VIII). Applicants are submitting the fee under 37 CFR 1.17(h), as discussed below.

DISCUSSION

The present application has not been examined by an Examiner in the Office.

Applicants submit that all the claims are directed to a single invention. However, if the Office determines that all the claims presented are not obviously directed to a single invention, Applicants will make an election without traverse as a prerequisite to the grant of special status; in such an event the Special Program Examiner is invited to telephone Applicants' representative at the telephone number below to discuss an election.

A search has been made by the Office as the International Search Authority in connection with the corresponding International Application number PCT/IL01/00427, published November 22, 2001 as publication number WO 01/87377, which claims priority

APPLICANT(S): GLUKHOVSKY, Arkady et al.
SERIAL NO.: 10/705,982
FILED: November 13, 2003
Page 4

Please charge the fee under section 1.17(h) to deposit account No. 05-0649. No other fees are believed due. However, if any additional fees are due, please charge any such fees associated with this paper to deposit account No. 05-0649.

Respectfully submitted,

Caleb Pollack
Attorney for Applicant(s)
Registration No. 37,912

February 26, 2004

Dated: ~~February 22, 2004~~
Eitan, Pearl, Latzer & Cohen Zedek, LLP.
10 Rockefeller Plaza, Suite 1001
New York, New York 10020
Tel: (212) 632-3480
Fax: (212) 632-3489

APPLICANT(S): GLUKHOVSKY, Arkady et al.
SERIAL NO.: 10/705,982
FILED: November 13, 2003
Page 2

from U.S. Patent Application 09/571,326 filed 15 May, 2000. The fields searched were US 600/109 and 160, and 348/65. A copy of the International Search Report is attached hereto.

The references cited in the International Search Report were included in an Information Disclosure Statement submitted by Applicants on November 13, 2003. Thus a copy of each of the references in the International Search Report is of record.

Further to MPEP 708.02 (VIII)(E), Applicants below submit a discussion of the references cited by the International Search Report attached hereto, pointing out the particularity required by 37 CFR 1.111(b) and (c) how the claimed subject matter is patentable over the cited references.

One of the three references cited in the International Search Report is cited as an "X" reference, and is thus considered by the Authorized Office to be of particular relevance to Applicants' claims. Two of the three references cited in the International Search Report are cited as "Y" references, and are thus considered by the Authorized Office to be of particular relevance to Applicants' claims. Applicants respectfully traverse these assessments of relevance. One of the three references cited in the International Search Report is cited as an "A" reference, and is thus not considered by the Authorized Office to be of particular relevance to Applicants' claims. Applicants agree to this assessment of non-relevance.

For example, none of WO 99/30610 (Iddan et al.) and US 4,278,077 (Mizumoto), alone or in combination, teach "a data processor in communication with said sensor for determining a frame capture rate in response to output of said sensor" or the use of such a data processor in association with an in vivo sensing device, as is required by Applicants' independent claim 1. Additionally, none of Iddan et al. and Mizumoto, alone or in combination, teach "an image processor for calculating the required frame capture rate from at least two frames" as required by Applicants' independent claim 7. Moreover, none of Iddan et al. and Mizumoto, alone or in combination, teach "an image processor for correlating frames of said output to determine the extent of their similarity and for generating a frame display rate therefrom" as required by Applicants' independent claim 8. Furthermore, none of Iddan et al. and Mizumoto, alone or in combination, teach "changing said frame capture rate to a predetermined frame capture rate according to the degree of change between said at least two frames" as required by Applicants' independent claim 14. Additionally, none of Iddan et al. and Mizumoto, alone or in combination, teach "measuring a

APPLICANT(S): GLUKHOVSKY, Arkady et al.
SERIAL NO.: 10/705,982
FILED: November 13, 2003
Page 3

physical quantity experienced by said camera system; converting said physical quantity to a velocity of said camera system; correlating said velocity with a predetermined frame capture rate" as required by Applicants' independent claim 17. Further, none of Iddan et al. and Mizumoto, alone or in combination, teach "correlating changes in the details of at least two frames; and communicating said required frame display rate to said storage device and a display unit" as required by Applicants' independent claim 23.

In order for a reference to anticipate a claim, the reference must teach every element of the claim. Similarly, for one or more references to render a claim obvious, a teaching or a suggestion is required by the relied upon prior art of all the elements of a claim. None of Iddan et al. and Mizumoto, alone or in combination, teach every element of any of Applicants' independent claims 1, 7, 8, 14, 17 and 23. For at least this reason, none of Iddan et al. and Mizumoto anticipate these claims, nor do these references, alone or in combination render these claims obvious.

Each of dependent claims 2-6, 9-13, 15-16, 18-22 and 24-28 depend from and therefore include all the limitations of, one of independent claims 1, 7, 8, 14, 17 and 23, and thus each of dependent claims 2-6, 9-13, 15-16, 18-22 and 24-28 are likewise not anticipated or made obvious by any of Iddan et al. and Mizumoto, alone or in combination.

CONCLUSION

Applicants therefore request that the Special Program Examiner grant the present application Special status, and request that the Examiner perform an Accelerated Examination, under MPEP 708.02 (VIII). Applicants further respectfully assert that Applicants' claims are new and are not anticipated or made obvious by the above-discussed references, and the Application is in condition for allowance. Applicants respectfully request the Examiner to allow the currently pending claims.